

### DEPARTMENT OF INSPECTIONAL SERVICES 133 WILLIAM STREET - ROOM 308 NEW BEDFORD, MA 02740

## New Bedford Comprehensive Zoning Code Review Code of Ordinances – Chapter-9

67 Brigham Street - Plot: 39 - Lot: 255 - Zoned District: RB

Special Permit Required from the Zoning Board of Appeals

Zoning Code Review as follows:

#### Special Permit

#### **❖** SECTION

- 2400 NONCONFORMING USES AND STRUCTURES
- 2410 APPLICABILITY
- 2420 NONCONFORMING USES
  - **2421**
  - **2422**
- 2430 NONCONFORMING STRUCTURES, OTHER THAN SINGLE AND TWO FAMILY STRUCTURE
  - **2431**
  - **2432**
- 5300-5330 & 5360-5390 SPECIAL PERMIT

Address of Work: 67 BRigham STREET  Owner Name:    Date of Permit Application:		
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*** CONSTRUCTION DEBRIS DESPOSAL**  ***Supplement #2  ***Provisions of Measurhussita Ganaria Law C40, 554, debris resulting form this work shell be disposed of in a properly licensed solid west imposed incliny as defined by Measurhussita Ganaria Law C111, 3150A  The debris will be disposed of in:  ***(Lossion of Facility)**  ***Supplement #2  ***PROVINGE IMPROVEMENT CONTRACTOR LAW AFFEDANTE**  (Residential Use Only) Supplement to Permit Application  ***ELP A requires that the "reconstruction, elementice, removerable, regulation for the elementary of the elementary	The undersigned "homeowner assumes resmonsibility for compliance with the Sorge Building Code and other anticollege	linance, rules and regulations
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it has by certify that: Registration is not required for the following reason(s):  What is called by law	Address of Work 67 BRigham STREET	
Work excluded by law Job under \$1,000 Building not owner-occupied Owner obtaining own permit Other (specify)	Date of Permit Application:	
Other (specify)  Notice is hereby given that:  DIMNIBUTE COMMINISTRATION PROGRAM OF QUARANTY FUND UNDER MELC. 1924.  Signed under pensities of perjury:  hereby apply for a permit as the agent of the owner:  Date  Contractor Signature  Contractor Signature  Contractor Signature  Registration No.  Date  Divinity Signature  Contractor Signature  Contractor Signature  Registration No.  Registration No.  Contractor Signature  Contractor Sign		
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Thereby apply for a permit as the agent of the owner:    Constantor Signature	owners cetaining their own permit or employing unregistered contractors for applicable how Do not have access to the arbitration program of guaranty fund under m3lc. 142a.	ie improvement work
OR: State of the above notice. I hereby apply for a permit as the owner of the above property:    Commission No.	signed under penalties of perjury:  ! hereby apply for a permit as the agent of the owner:	
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Sete Owner Signature  (Signature Commissioners Review Comments and Conditions  Set Att AChments  Comments and Conditions:  Date: 20  Dat	Notwithstanding the above notice. I hereby apply for a permit as the owner of the above property:	
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# City of New Bedford, Massachusetts Building Department

A	DATE RECEI
Jr	RECEIVED (

FOR BUILDING DE	PT. USE
DATE RECEIVED:	
AECELYED BY 2015	
ISSUED BY:	

		ion for Plan Ex nd Building Per		ISSUED BY: JL
IMPORTANT _ C	OMPLETE ALL IT	EMS — MARK BO	XES WHERE APPLIC	ABLE — PRINT
Permit No.  (AT LOCATION)  PLOT  PLOT	Taber STREET	Brigham Treet	Street  AND BYCO	Stret SS STREET
PLANS FILED.	YES NO	DIST	RICT	ACCEPTED STREET
II. TYPE AND COST OF BUILD	ING - all applicant	s complete parts A	through D - PRINT	
A TYPE OF IMPROVEMENT		1	- For demoktion most recent us	se
New Building  Addition (If residential, enter num units added, if any, in Part D, 14	)	Residential  13 One family  14 Two or more number of	e family — Enter units	Nonresidential  19 Amusement, recreational  20 Church, other religious
housing units added, if any, in Pl  Repair, replacement  Demolition (If multifamily residen units in building in Part D. 14, if	tial, enter number of	15 Transient he dormitory - of units Garage	otel, motel, or - Enter number	21 Industrial 22 Parking garage 23 Service station, repair garage 24 Hospital institutional
indicate most recent use checking 6 Moving (relocation) 7 Foundation only Children  6. OWNERSHIP	·	recet	pecify	24  Hospital, institutional 25  Office, bank, professional 26  Public utility 27  School, library, other educational
8 Private (individual, corporation, nonprofit institution, etc.) 9 Public (Federal, State, or local go	overnment)		contain asbestos? If yes complete the following: Asbestos Removal Firm:	28 Stores, mercantile 29 Tanks, towers 30 Funeral homes
C. COST  10. Cost of construction  To be installed but not included in the above cost  a. Electrical  b. Plumbing		State Dept. of Labor sample analysis after  D.3. Non-residential — [ machine shop, laun parochial school, p.		31 Food establishments 32 Other — Specify of buildings, e.g., food processing plant, ary school, secondary school, college, re, rental office building, office building
c. Heating, air conditioning d. Other (elevator, etc.)  11. TOTAL VALUE OF CONSTRUCTION 12. TOTAL ASSESSED BLDG, VALUE				
III. SELECTED CHARACTERISTIC PRINCIPAL TYPE OF FRAME	† · · · · · · · · · · · · · · · · · · ·		ons, aterations, repair, moving,	nolition, complete only parts G; H-& i. foundation), complete E through L.
33 Masonry (wall bearing) 34 Wood frame 35 Structural steel	44 Private (sep	rivate company otic tank, etc.)	J. DIMENSIONS 53 Number of stories 54 Height 55 Total square feet of floor	area.
36 Reinforced concrete 37 Other — Specify	H. TYPE OF WATER SU 45 Public or pr 46 Private (wel	rivate company	all floors based on extent 56 Building length 57 Building width 58 Total sq. ft. of bidg. footp	
PRINCIPAL TYPE OF HEATING FUEL  38 Gas  39 Oil  40 Electricity	I. TYPE OF MECHANIC Is there a fire sprink 47 YES Will there be central	tiler system?  48 NO lair conditioning?	59 Front lot line width 60 Rear lot line width 61 Depth of lot 62 Total sq. ft. of lot size 63 % of lot occupied by bid 64 Distance from lot line (fro	g. (58÷62)
41	Will there be an elec	50 No vator? 52 No	65 Distance from lot line (red 66 Distance from lot line (lef 67 Distance from lot line (rigi	nr)

#### OTHER APPLICABLE REVIEWS K. FLOODPLAIN

	Is location within flood hazard area? yes no  If yes, zone: and base elevation
L. WET	LANDS PROTECTION
	Is location subject to flooding?
	Is location part of a known wetland?
	Has local conservation commission reviewed this site?

IV. IDEN	CIFICATION - ALL APPLI	CANTS - PLEASE PRINT	
OWNER OR LESSEE NAME	MAILING ADDRESS	and the second s	
		ZIP CODE	TELEPHONE NO.
Teldoles L Stevens	42 J Brive	westport MA	1-774-201
		02790	-0331
CONTRACTOR NAME	MAILING		
	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
	AAV	LICENSE #	
ADGUMEN	٠	HOME IMP #	
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
		LICENSE #	
SIGNATURE OF OWNER			
STATURE OF OWNER	APPLICANT SIGNATI	RE	DATE SZO/S

Omission of reference to any provision shall not nullify any

requirement of this code nor exempt any structure from such requirement.

The applicants understands and warrant that they will comply with all pertinent federal and state statutes, local ordinances and all federal, state, and local regulations, including those of the Architectural Barriers board, Department of Environmental Protection Agency and may be forwarded for review to all pertinent local city agencies which may express specific concerns. It is understood that the issuance of a permit shall not serve as an acceptance or acknowledgment of compliance nor exempt any structure from such requirement. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of the State Building Code or local code of ordinances, except as specifically stipulated by modification or legally granted variation in accordance with Section 122.0 of State Building Code or local code of ordinances.

I have read the above and sign under pain and penalty of perjury as to the truth of all of the information and statements contained in sections I through IV of this application.

Applicant's Signature

67 Brigham Street New Bedford ma

	CHECK	AND NOTIFICATION  DATE OBTAINED	BY
Tri			ВҮ
Electrical			
Plumbing			
Fire Department			
Water			
Planning			
Conservation			
Public Works Health			
Licensing			
Other			
VI. ZONING REVIEW			
DISTRICT:			
FRONTAGE:	USE:		
SETBACKS:		LOT SIZE:	
FRONT:	I ETTE OVE		
	LEFT SIDE:	RIGHT SIDE:	REAR;
PERCENTAGE OF LOT VARIANCE HISTORY	COVERAGE PRIMA	ARY BUILDING	
VII. WORKER'S COMPE	NIC A TOY ON THE		
VII. WORKER'S COMPE	MSATION INSURA	NCE AFFIDAVIT	
(licensee/permittee) with		·	
(City/State/Zip) do hereby c	crtify, under the pains and	¥.	eyees working on this job.
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(City/State/Zip) do hereby of [ ] I am an employer provid Insurance Company [ ] I am a sole proprietor and [ ] I am a sole proprietor, go have the following worker's of the sole proprietor of the sole proprietor, go have the following worker's of the sole proprietor of the s	ertify, under the pains and ing worker's compens and have no one working eneral contractor, or it compensation insurance rating all the work my ender the workers' (hay evidence the legal tement will be forward	Policy Number  Policy Number  g for me.  Homeowner and have hired to the policies:  Insurance Company,  Insurance Company,  self.  Inploy persons to do mainten the graph of t	he contractors listed below who  /policy number  /policy number  ance, construction or repair work  ounds appurtenent thesess

Location: 67 69 BRIGHAM ST

Parcel ID: 39 255

Zoning: RB

Fiscal Year: 2015

Card No. 1 of 1

**Current Sales Information:** 

Current Owner Information: PEREIRA ARMENIA M "TRUSTEE"

ARMENIA M PEREIRA LIVING TRUST

29430 5 CHRISMAN ROAD

TRACY, CA 95304-8138

Sale Date: 10/18/2010

Sale Price:

\$100.00

Legal Reference:

regai veiel

9859-232

Grantor:

PEREIRA, ARMENIA M

This Parcel contains 0.088 acres of land mainly classified for assessment purposes as Mix Res-Com with a(n) MIXED USE style building, built about 1915, having Clapboard exterior, Asphalt Shingles roof cover and 2804 Square Feet, with 2 unit(s), 9 total room(s), 5 total bedroom(s) 2 total bath(s), 0 3/4 baths, and 2 total half bath (s).

Building Value:

156300

Land Value:

89500

Yard Items Value:

0

Total Value:

245800







Fiscal Year 2015

Tax Rate Res.:

Fiscal Year 2014

Tax Rate Com.:

Property Code:

Tax Rate Res.: 15.16

15.16 31.08

013

Tax Rate Com.:

Tax Rate Res.:

29.54

14.33

Property Code:

Tax Rate Com.:

013 156300

15.73

33.56

Total Bldg Value:

164000

Property Code:
Total Bldg Value:

013

0

176000

Total Yard Value:

Total Land Value:

Total Bldg Value:

0 89500

245800

Total Yard Value:
Total Land Value:

Total Value:

91200

255200

Total Land Value:

Total Value:

Total Yard Value:

104000

Total Value:

Tax:

\$5,619.48

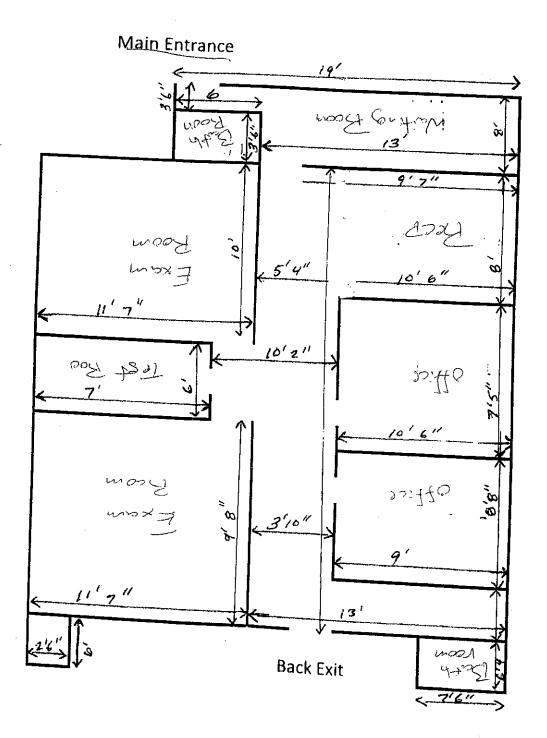
Tax:

\$5,493.95

a Tax:

280000 \$5,715.92

Disclaimer: Classification is not an indication of uses allowed under city zoning. This information is believed to be correct but is subject to change and is not warranteed.



Wheelchair Elevator Access

2400. - NONCONFORMING USES AND STRUCTURES.

2410. **Applicability.** This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L.A. c. 40A, § 5, at which this Zoning Ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

(Ord. of 12-23-03, § 1)

- 2420. **Nonconforming Uses.** The Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:
  - 2421. Change or substantial extension of the use;
- 2422. Change from one nonconforming use to another, less detrimental, nonconforming use.

(Ord. of 12-23-03, § 1)

- 2430. **Nonconforming Structures, Other Than Single- and Two-Family Structures.** The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:
  - 2431. Reconstructed, extended or structurally changed;
  - 2432. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

The reconstruction, extension or structural change of such nonconforming structures so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

(Ord. of 12-23-03, § 1)

2440. **Nonconforming Single- and Two-Family Structures.** Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure, and the issuance of a building permit, where applicable. In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by finding (which shall not require a super majority), allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

(Ord. of 12-23-03, § 1)

2450. **Abandonment or Non-Use.** A nonconforming use or structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Zoning Ordinance.

(Ord. of 12-23-03, § 1)

2460. **Catastrophe.** Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, provided that such reconstruction is completed within twelve months after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure unless a larger volume or area is authorized by special permit from the Board of Appeals. Such time for reconstruction may be extended by the Board of Appeals for good cause.

(Ord. of 12-23-03, § 1)

2470. **Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

(Ord. of 12-23-03, § 1)

5300. - SPECIAL PERMITS.

5310. **Special Permit Granting Authority.** The Zoning Board of Appeals, the Planning Board or the City Council shall act as the Special Permit Granting Authority under this Chapter as specifically designated in a particular Section or in accordance with the Specific Designations in the Table of Principal Use Regulations under Appendix A of this Chapter.

(Ord. of 12-23-03, § 1; Ord. of 12-8-05, § 1)

5320. **Criteria.** Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on City services, tax base, and employment.

(Ord. of 12-23-03, § 1)

5330. **Procedures.** Applications for special permits shall be filed in accordance with the rules and regulations of the various special permit granting authorities, as may be applicable.

(Ord. of 12-23-03, § 1)

5340. **Plans.** An applicant for a special permit shall submit a plan in substantial conformance with the requirements of <u>Section 5400</u>, herein.

(Ord. of 12-23-03, § 1)

5350. **Development impact Statement (DIS).** At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

5351. Physical Environment.

- (a) Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.
- (b) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

#### 5352. Surface Water and Subsurface Conditions.

- (a) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- (b) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
- (c) Describe any limitations imposed on the project by the site's soil and water conditions.
- (d) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

#### 5353. Circulation Systems.

Project the number of motor vehicles to enter depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i) existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

#### 5354. Support Systems.

- (a) Water Distribution: Discuss the types of wells or water system proposed for the site, means of providing water for firefighting, and any problems unique to the site.
- (b) Sewage Disposal: Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.
- (c) Refuse Disposal: Discuss the location and type of facilities, the impact on existing City refuse disposal capacity, hazardous materials requiring special precautions.
- (d) Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
- (e) Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.
- (f) Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

5355. Phasing. Where development of the site will be phased over more than one year, indicate the following:

- (a) Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
- (b) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(Ord. of 12-23-03, § 1)

5360. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

(Ord. of 12-23-03, § 1)

5370. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twelve (12) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L.A. c. 40A, § 17, from the grant thereof) with the City Clerk.

(Ord. of 12-23-03, § 1)

5380. **Regulations**. The special permit granting authority may adopt rules and regulations for the administration of this Section.

(Ord. of 12-23-03, § 1)

5390. **Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Ord., of 12-23-03, § 1)

State Law reference— Special permits, M.G.L.A. c. 40A, § 9.

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67-6	9 Brigham St	BorA
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DISTRICT: Res.	"B" ,	77-37-47
		Tabled to3/2/66
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7/12/15	Dwelling.	E CONST.
Cose#784	A 7 4	5 rooms & bath
SO T CARE	Arrei attic	for tenement Bonts
83:3-46#828	Alter for at	thin to
1149-47 YESE	-	tte tenement Granted
	Elect two car	r garage. Granted Cond
C ase 170	4 Joh fil and	Granted Cond
	- april april	Q dentists office #170
of or and		o dentists office #170 Syperceded 73ntgd2/89d4
<u> </u>	7	
		(OVER)

Case #2173 Use promises for profession.

offices & apts. Granted 1/4/79

Supercedes Case #1704 granted 3/2/66

54-79 professional offices on 1st floor

Spec. Invest. 1/31/85

81-85 Alter/Remodel for attic tenement

BOA #3328 Grantec 5-0 w/conditions 6/17/99 (use the

1st floor for Physician's office)

Certified Letter 2/14/00

Certified Letter 9/29/00

B.O.A. #3380 (Use the 1st floor for a Physician's Office)

Variance Granted 12/7/00 w/conditions:

No more than 3 employees working on site.

Petitioners provide as much off-st.park. on prop.

allowed by city code. Permission to erect 18x24" sign.

#### 67-69 Prigham St.

LOCATION		· .		,			
DISTRICT			PLOT	39	LOI	25	)
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